

## ILO Decent Work Team and Office for the Caribbean

### INFORMATION NOTE REGARDING THE UNIVERSAL PERIODIC REVIEW (UPR) RECOMMENDATIONS FOR BARBADOS IN RELATION TO THE ILO MANDATE

#### **2. Give consideration to all international obligations in the field of human rights provisions in revision of the Constitution; incorporation of international human rights obligation into domestic law. (Barbados accepted this recommendation)**

Barbados has ratified the eight ILO Human Rights Conventions.<sup>1</sup> The Committee of Experts on the Application of Conventions and Recommendations (CEACR) has been making comments on the application of these eight Human Rights Conventions by the Government of Barbados.

In relation to freedom of association, the right to organize and Collective bargaining (Conventions 87 and 98), the CEACR has requested the Government to amend section 4 of the Better Security Act, 1920, to bring the legislation into conformity with the Convention as regards anti-union dismissals and other prejudicial acts based on trade union affiliation or activities, and has taken note of the indication by the Government that the drafting process regarding legislation on trade union recognition is ongoing.

In relation to forced or compulsory labour (Conventions 29 and 105), the CEACR expressed the firm hope that measures would be taken to bring the shipping legislation into conformity with the Convention (on the issue of imprisonment of seafarers for disobedience where Section 64 of the Prison Rules, 1974, indicates that prisoners are required to work).

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<sup>1</sup> The eight ILO Human Rights Conventions (also referred to as “Fundamental Conventions”) are the following:

- The Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), ratified in 1967
- The Right to Organise and Collective Bargaining Convention, 1949 (No. 98), ratified in 1967
- The Forced Labour Convention, 1930 (No. 29), ratified in 1967
- The Abolition of Forced Labour Convention, 1957 (No. 105), ratified in 1967
- The Equal Remuneration Convention, 1951 (No. 100), ratified in 1974
- The Discrimination (Employment and Occupation) Convention, 1958 (No. 111), ratified in 1974
- The Minimum Age Convention, 1973 (No. 138), ratified in 2001
- The Worst Forms of Child Labour Convention, 1999 (No. 182), ratified in 2001

In relation to equal remuneration and discrimination in employment and occupation (Conventions 100 and 111), the CEACR, noting that the minimum wage for domestic workers has not been reevaluated for over 20 years, drew the attention of the Government on the frequent undervaluation, due to stereotypes, of domestic work. It also encouraged the Government to take concrete measures to promote and facilitate access by women to positions offering higher levels of remuneration. The CEACR has been commenting for many years that the existing legislation does not provide full legislative protection against discrimination as defined under Convention 111 and noted that the Government is making reference to the Employment Rights Bill since 2004.

In relation to child labour (Conventions 138 and 182), the Government reported that the National Child Labour Committee, which falls under the auspices of the Ministry of Labour, engages in educational and research projects on child labour. The CEACR noted the Government's statement that an educational campaign has been initiated by the Ministry of Labour aimed at eliminating the worst forms of child labour, and that the Ministry, in cooperation with UNICEF, produced a pamphlet on the subject of child labour. Noting that legislation on minimum age exists that applies to industrial undertakings and ships, the CEACR encouraged the Government to ensure the application of the Convention to all sectors of economic activity. The CEACR requested the Government to indicate if the list of hazardous work prohibited for children under 18 years – which had been adopted by the Ministry of Labour – had been included in any government legislation or regulation, and to indicate what penalties existed. It also requested it to indicate if any regulations prescribing conditions for light work had been adopted, pursuant to section 4(7) of the Recruiting of Workers' Act. The CEACR noted that there appear to be no legal provisions in Barbados that specifically prohibit trafficking in children under the age of 18 years.

In July 2012, the ILO organized the Third Edition of the Caribbean Training of Judges, Lawyers and Legal Educators (Trinidad and Tobago, 9-13 July 2012). A magistrate from the Office of the Attorney General participated to the sub-regional activity which regrouped 25 participants from 13 countries and territories of the English-speaking Caribbean. The main objective of the course was to equip law professionals with the knowledge that will enable them to use international labour law sources at national level. At the end of this training, participants left with an in-depth knowledge of the instruments and supervisory machinery of the ILS system; were able to use the analysis and pronouncements of the ILO's supervisory bodies that provide an in-depth understanding of the scope and meaning of ILS (including Human Rights at work); were able to determine when and how international labour law can be used to solve labour disputes; were able to identify and make use of ILS

in the area of freedom of association and the right to collective bargaining, and equality in employment and occupation. The training is a response to the call made in the Human Development Report for the Caribbean on Citizenship Security 2012 to work with the Judiciary.

**4. Strengthen efforts to improve its human rights reporting and submission of pending reports; extend standing invitation to human rights mechanisms and all special procedures of the Human Rights Council.** (*Barbados accepted the part of the recommendation urging it to improve its human rights reporting and submission of pending reports*)

Barbados has not fulfilled its obligation, under Article 22 of the ILO Constitution, to send all the reports on ILO Conventions which have been ratified by the country, in time for the Committee of Experts on the Application of Conventions and Recommendations (CEACR) to review them. This year (2012), 22 reports were due by 1 September. As of 7 September, none had been received.

In 2012, the ILO supported capacity-building in reporting by offering a fellowship to two officials from the Ministry of Labour to participate in the Distance Training in Best Practice in International Labour Standards Reporting (March to May 2012) offered by the ILO International Training Center (ILO-ITC, Turin, Italy).

**6. Sensitize civil society to discrimination against women; enact legislation to enshrine a specific right of non-discrimination on the basis of gender in accordance with article 1 of CEDAW; consider formulating an integrated national plan of action to address discrimination against women as recommended by CEDAW.** (*The government of Barbados accepted the first part of this recommendation*)

In a comment on the Equal Remuneration Convention (No. 100), the CEACR, noting that the minimum wage for domestic workers has not been reevaluated for over 20 years, drew the attention of the Government on the frequent undervaluation, due to stereotypes, of domestic work. It also encouraged the Government to take concrete measures to promote and facilitate access by women to positions offering higher levels of remuneration.

In May 2011, the Minister of the Ministry of Labour and Social Security (MOLSS) responded to the proposal to have a Participatory Gender Audit (PGA) conducted of the Ministry. The proposal to conduct the PGA stemmed from the collaboration of

the ILO and the Organization of American States (OAS) in keeping with the goal of the OAS to conduct PGAs of various Ministries of Labour and using the PGA tool developed by the ILO. The MOLSS of Barbados was the first Ministry of Labour in the Caribbean and Latin American region to undergo a PGA with this joint effort.

The aim of the PGA was to assess if it is operating in the most effective way to integrate the concept of gender in the work of the MOLSS and its various Units. It would support the Ministry's commitment to expand institutional capacities for mainstreaming gender into its operations, policies, and programs; in short, to mainstream the gender dimension throughout the Ministry. The conduct of the PGA would help support the MOL's intentions and commitment to promoting gender equality by:

- Examining the extent to which equality is being institutionalized
- Identifying good practices (and weaknesses) in the technical work of the MOLSS and Units to be audited
- Offering recommendations for effectively and efficiently mainstreaming gender in all work activities

The key findings of the exercises were as follows:

- Awareness of the need for more research and analysis in order to mainstream gender;
- Awareness of staff on gender issues in Barbadian society – disaffected young men, domestic workers, and women's shifting roles...
- Awareness and actions to review and adapt educational, training and job placement systems to respond to growing gender gaps

A follow-up exercise was carried out in October 2011 with a view to support the Ministry of Labour of Barbados in developing an Action Plan based on the recommendations of the Participatory Gender Audit report.

**13. Take appropriate legislative and administrative measures to fight against domestic violence and physical abuse of children, and engage in an exchange of information with those countries that are developing best practices in these fields; Work towards taking measures in relation to the psychological and physical impact of domestic violence on children. (The Government of Barbados did not accept this recommendation)**

In its previous comments, the CEACR noted that the Barbados Workers' Union expressed concern that persons under the age of 18 years are being abused within the definition of the worst forms of child labour in the areas of procurement for prostitution and pornography, as well as in the procurement for work in the illicit drug trade, and that the union considers that the inspection and monitoring systems should be more fully strengthened and empowered to prosecute where there is evidence that minors are being procured for illicit activities. In past studies and assessments, the ILO has noted that despite the strong policy and legal framework in Barbados, monitoring strategies appear to be inadequate, and that the establishment of a centralized database of reports across related sectors such as education, health, social services and probation, the police and justice system could provide better surveillance. The CEACR noted the Government's indication that the Child Care Board's National Plan of Action is not yet off the ground. The Committee nevertheless noted that the Ministry of Labour has undertaken several projects to sensitize the public to the worst forms of child labour, including a mass media campaign in collaboration with UNICEF, launched on 12 June 2008 (the International Day against Child Labour).

**15. Consider legislative measures to deal with sexual harassment.** (*The Government of Barbados accepted this recommendation*)

The CEACR, in a comment on the application of Convention 111, recalled that the Employment Rights Bill does not contain a provision explicitly providing protection against sexual harassment. The CEACR drew the attention of the Government to its obligation under the Convention to address all forms of sex discrimination, including sexual harassment, in an effective manner. It asked the Government to step up its efforts to adopt legislation providing protection against sexual harassment and to consider incorporating provisions on sexual harassment in the Employment Rights Bill.